

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John N. Vergne) Group Art Unit: Unassigned
Application No.: 09/773,524) Examiner: Unassigned
Filed: February 2, 2001) Date: September 18, 2006
For: METHOD AND APPARATUS FOR)
UTILIZING THE FULL CAPACITY
OF A PARTICULAR OF MINE
HOIST FOR EXCAVATING DEEP
SHAFTS)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions the Commissioner to revive the above-identified application that became unintentionally abandoned on May 14, 2001, for failure to timely respond to the outstanding Notice of Missing Parts. Applicant's representative has never received the either the Notice of Missing Parts or the Notice of Abandonment, but was informed on September 15, 2006, by USPTO personnel in the Office of Initial Patent Examination that the application became abandoned on May 14, 2001. Applicant respectfully submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional, for the reasons discussed in detail below.

FACTS

1. On February 2, 2001, Applicant filed an application for METHOD AND APPARATUS FOR UTILIZING THE FULL CAPACITY OF A PARTICULAR OF MINE HOIST FOR EXCAVATING DEEP SHAFTS, which has been assigned U.S. Patent Application No. 09/773,524.

2. On September 15, 2006, while reviewing the application, a typographical error was discovered in the Customer Number provided on the Utility Patent Application Transmittal and on the Application Data Sheet. Although the attorney of record and the correspondence address were correctly listed on the Utility Patent Application Transmittal, the Customer Number was incorrectly entered as "21760". The correct Customer Number is "27160". For the convenience of the attorney in the Office of Petitions, a copy of a certified copy of the application as filed for U.S. Patent Application No. 09/773,524 is attached.

3. Also, on September 15, 2006, Applicants representative contacted the Office of Initial Patent Examination, by telephone, and was informed that this application became abandoned on May 14, 2001. Applicant's representative has received neither the Notice of Missing Parts nor the Notice of Abandonment. Because of the typographical error in the Customer Number, Applicant's representative is unable to view information about this application in Private PAIR, and, of course, since the application was never published, information about this application is not available in Public PAIR.

4. Applicant has received the return receipt postcard which was submitted with the application as filed, and three certified copies of the application as filed, which were requested on December 18, 2001. The postcard bears the original USPTO date stamp indicating receipt of the application on February 2, 2001, and bears a stamp of the assigned Application Number, which is 09/773,524. The postcard contains the correct Firm name and correspondence address.

The certified copy of the application as filed contains the filing date and application number stamped on the first page of the Utility Patent Transmittal.

RELIEF REQUESTED

Applicant respectfully requests that the subject application be revived and that the Notice of Missing Parts be mailed to the correspondence address for Customer number 27160. A change of correspondence address, which requests that the correspondence address be changed to Customer Number 27160, is being filed concurrently with this petition.

FEE

The Commissioner is authorized to charge the \$750.00 petition fee for a Small Entity in accordance with 37 CFR § 1.17(m) to Deposit Account Number 50-1710. The Commissioner is also authorized to charge any additional fees deemed necessary to successfully revive this application, and to further maintain its pendency under 37 CFR §§ 1.116 and 1.117 (or credit any overpayments), to Deposit Account Number 50-1710.

Should there be any questions, the undersigned can be contacted in our Washington, D.C. office at telephone number (202) 625-3500. All correspondence should be sent to the address given below.

Respectfully submitted,
KATTEN MUCHIN ROSENMAN LLP

By: 

Richard P. Bauer
Attorney for Applicant
Reg. Number 31,588

Patent Administrator
KATTEN MUCHIN ROSENMAN LLP
East Lobby, Suite 700
Washington, D.C. 2007
Facsimile: (202) 298-7570

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